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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/797,279	03/10/2004	Doo-Hwa Kang	1755-8	2935
7590 09/27/2004			EXAMINER	
Galgano & Burke 300 Rabro Drive, Suite 135 Hauppauge, NY 11788			KAUFFMAN, BRIAN K	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 09/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/797,279

Applicant(s)

KANG, DOO-HWA

Examiner

Brian K Kauffman

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1,2,4-9 and 12-15 is/are rejected.  
7) ☒ Claim(s) 3,10 and 11 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 10 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: in line 10, the word "driver" should be modified to "drivers". Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 4-9, and 12-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kwak (6,698,369). In regard to claims 1-2, 4-9, and 12-14, Kwak discloses an embroidery machine comprising: a plurality of sewing heads (12) installed at an upper portion of a working table while being spaced a predetermined distance apart from each other; a plurality of embroidering frames (336) being moveable in X- and Y-axis directions (col. 12, lines 34-51); a plurality of X-axis drivers for moving each of the embroidery frames in the X-axis direction; a plurality of Y-axis drivers for moving each of the embroidery frames in the Y-axis direction; a controller (337) for controlling driving of the X and Y axis drivers; and an operating panel (30) for displaying all information required for an embroidery pattern and an operation of embroidering and

Art Unit: 3765

enabling input of information (col. 9, lines 8-10); and wherein the sewing heads are grouped into at least two working groups, each of the embroidering frames (336) is arranged for one of the working groups (col. 12, lines 34-40), and the embroidering frames (336) have at least two different structures fig (21).

It is expected that the machine has multiple shuttles beneath the embroidery frames since shuttles are an essential element in the embroidery process. Also, it is shown in fig. 21 that the embroidering frames have more than one structure.

In regard to claim 15, Kwak discloses an embroidery machine comprising: a plurality of sewing heads (12) installed at an upper portion of a working table while being spaced a predetermined distance apart from each other; a plurality of embroidering frames (336) being moveable in X- and Y-axis directions (col. 12, lines 34-51); a plurality of X-axis drivers for moving each of the embroidery frames in the X-axis direction; a plurality of Y-axis drivers for moving each of the embroidery frames in the Y-axis direction; a controller (337) for controlling driving of the X and Y axis drivers; and an operating panel (30) for displaying all information required for an embroidery pattern and an operation of embroidering and enabling input of information (col. 9, lines 8-10); and wherein the sewing heads are grouped into at least two working groups, each of the embroidering frames (336) is arranged for one of the working groups (col. 12, lines 34-40), and the embroidering frames (336) have structures identical to each other (fig. 21).

***Allowable Subject Matter***

Claims 3, 10, and 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: claim 3 specifically requires that the plurality of units corresponding to the plurality of heads are installed at each of the work groups and are integrally formed on each other when the embroidery frame is the tubular frame unit or the cap frame unit.

Claims 10 and 11 specifically require that the operating panel be located at a boundary between two working groups when the two working groups are used.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Tajima et al. (5,474,001) discloses a multi head embroidery machine. Hayashi (5,937,774) discloses a multi-head embroidery machine with different types of worksheet holders.

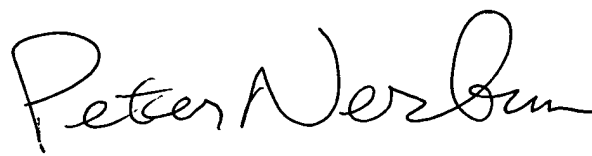
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K Kauffman whose telephone number is (703)605-4933. The examiner can normally be reached on M-F every week.

Art Unit: 3765

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (703)305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BKK

  
Peter Nerbun  
Primary Examiner